

REMARKS

Applicant has received and carefully reviewed the Final Office Action mailed January 15, 2010. Favorable further examination is respectfully requested in view of the following comments.

Claim Rejections under 35 U.S.C. §103

Claims 1-7, 11-16 and 21-23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of Raksha, U.S. Patent No. 7,047,883, and Corver, U.S. Patent No. 5,247,317. Applicant respectfully traverses the rejection.

Claim 1 recites "said magnetic element being placed at a location corresponding to said impression on said substrate performed by said screen so as to orientate the pigments contained in the optically variable ink *and create a varying optical effect in said impression*, and wherein said at least one magnetic element is covered by a sheet of non-magnetic material." (Emphasis added.) Independent claims 3 and 11 contain similar limitations.

Applicant respectfully asserts that the proposed combination of references will not produce the claimed invention or, in the alternative, that motivation is lacking for the combination.

Specifically, it is asserted in the Office Action that "it would also have been obvious...to provide the magnetic elements on the cylinder surface of AAPA, as modified by Raksha et al. with a sheet of non-magnetic material such as aluminum or stainless steel as taught by Carver et al so as to predictably obtain a homogenous magnetic field at the surface of the cylinder." This cannot be true.

If providing the magnetic elements with a sheet of non-magnetic material provides a homogeneous field at the surface of the cylinder, then the machine so produced cannot orient the pigments in the optically variable ink to create a varying optical effect. This is because the varying optical effect in the printed ink is created only by a non-homogeneous magnetic field. If the field is homogeneous then so too is the printed ink, and the claim language is not met.

On the other hand, if the addition of a sheet of non-magnetic material does not provide a homogeneous field at the surface of the cylinder, then there is no motivation to make the combination. As the Examiner stated on page 7 of the Office Action, "the Corver et al patent

was relied on for the teaching of providing a magnetic roller 130 with a sheet of non-magnetic material 131 such as aluminum or stainless steel to cover the magnets 135 disposed on the surface of the roller for the purpose of obtaining a homogeneous magnetic field at the surface of the cylinder." This is the sole stated motivation for including Corver in the combination, and without this motivation, Applicant sees no reason why one of skill in the art would modify AAPA in view of Raksha in view of Corver.

In either case, no *prima facie* case of obvious has been made, and Applicant respectfully requests the rejection be withdrawn. Applicant further respectfully submits that independent claims 1, 3 and 11 (and corresponding dependent claims 2, 4-7, 12-16, 21-24 and 26) are patentable over the cited prior art for at least these reasons.

Conclusion

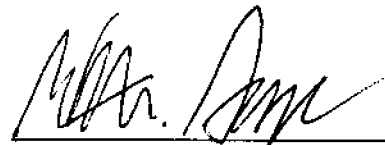
Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Matthias Gygi

By his Attorney,

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